

#### **§ 29.11**

file a petition for review as representatives of a class of employees in any matter within the Board's jurisdiction as set forth in § 29.3. In determining whether it is appropriate to treat an appeal as a class action, the Board will be guided, but not controlled, by the applicable provisions of the Federal Rules of Civil Procedure.

[59 FR 59106, Nov. 16, 1994, as amended at 61 FR 36811, July 15, 1996]

#### **§ 29.11 Board procedures on petitions for review.**

In adjudicating petitions for review filed by employees of the Architect of the Capitol, the Board will generally follow the same procedures as it does for adjudicating petitions for review filed by General Accounting Office (GAO) employees under 4 CFR part 28, subpart B. The Board specifically adopts the regulations contained in 4 CFR 28.19 through 28.90 as the procedures it will follow for petitions for review filed by Architect of the Capitol employees. The Architect of the Capitol will have the same obligations and responsibilities as are assigned to the GAO under those regulations. The regulations concerning ex parte communications, contained in 4 CFR part 28,

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subpart I, will also be applicable to all proceedings brought by or on behalf of employees of the Architect of the Capitol.

#### **§ 29.12 [Reserved]**

#### **§ 29.13 Applicability of this part.**

(a) The regulations in this part do not apply to any claim of discrimination or retaliation by an employee of the Architect of the Capitol which was pending before, or an appeal from, the Office of Senate Fair Employment Practices on the July 22, 1994, effective date of the Architect of the Capitol Human Resources Act. Any such claims shall continue to be processed pursuant to the procedures established in the Government Employee Rights Act of 1991, 2 U.S.C. 1201, *et seq.*

(b) The regulations in this part apply to all charges filed with the Board prior to January 23, 1996, the effective date of § 201 of the Congressional Accountability Act of 1995 (CAA), Pub. L. 104–1, 109 Stat. 3 (January 23, 1995). They also apply to any charge filed after that date pursuant to the terms of § 506(b) of the CAA.

[59 FR 59106, Nov. 16, 1994, as amended at 60 FR 35119, July 6, 1995]

### **SUBCHAPTERS C–D [RESERVED]**